

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MANDI ABSALON

Plaintiff,

vs

7:06-CV-709

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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SOMMATTIE RAMRUP, ESQ.
Chief Counsel, Region II

DAVID N. HURD
United States District Judge

DECISION and ORDER


Plaintiff brought this action seeking judicial review of a determination of the Commissioner of Social Security finding that she was not disabled within the meaning of the Social Security Act. By Report and Recommendation dated March 20, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the defendant's motion for judgment on the pleadings be denied, the Commissioner's finding of no disability be reversed, and the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). No objections were filed.

Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The defendant's motion for judgment on the pleadings is DENIED;
2. The Commissioner's finding of no disability is REVERSED; and
3. The case is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the Magistrate Judge's Report and Recommendation.

IT IS SO ORDERED.


United States District Judge

Dated: April 16, 2009

Utica, New York.